

Order

Michigan Supreme Court
Lansing, Michigan

October 11, 2007

Clifford W. Taylor,
Chief Justice

ADM File No. 2006-44

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

Amendment of
Rule 7.306 of the
Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 7.306 of the Michigan Court Rules is adopted, effective January 1, 2008.

[The present language is amended as indicated below
by strikeouts and underlining.]

Rule 7.306 Briefs in Calendar Cases

(A)-(C)[Unchanged.]

(D) Amicus Curiae Briefs.

- (1) Except as provided in subsection(2), ~~A~~an amicus curiae brief may be filed only on motion granted by the Court and must conform to subrules (A) and (B) and MCR 7.309. ~~The time for filing the brief corresponds with the time for filing the brief of the party whose position the amicus curiae supports.~~ The brief of an amicus curiae is to be filed within 21 days after the brief of the appellee, or at such other time as the Court directs. An amicus curiae may not participate in oral argument except by Court order.
- (2) No motion for leave to file an amicus curiae brief is necessary if the brief is presented on behalf of the people of the state of Michigan or the state of Michigan, or any of its agencies or officials, by the Attorney General; on

behalf of any political subdivision of the state when submitted by its authorized legal officer, its authorized agent, or an association representing a political subdivision; or on behalf of the Prosecuting Attorneys Association of Michigan or the Criminal Defense Attorneys of Michigan.

Staff Comment: These amendments alter the requirements for filing amicus curiae briefs with the Michigan Supreme Court. They allow amicus curiae 21 days after the filing of the appellee's brief to file its amicus curiae brief, and add a provision similar to Rule 37 of the Rules of the Supreme Court of the United States to allow state agencies and attorneys operating on behalf of public agencies to submit an amicus curiae brief without filing a motion to seek permission to do so.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 11, 2007

Corbin R. Davis
Clerk